

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

CRIMINAL CASE NO. 2:12cr07

UNITED STATES OF AMERICA,

vs.

HARLAND LAVERN SQUIRREL.

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ORDER

THIS MATTER is before the Court on the Motion to Withdraw as Counsel of Record of Rich Cassady, Esquire [Doc. 72].

On February 29, 2012, the Defendant was found to be entitled to representation by the Federal Defenders of Western North Carolina (Federal Defenders) based on his *ex parte* financial affidavit. [Doc. 3]. On April 24, 2012, Fredilyn Sison, Esquire of the Federal Defenders moved for leave to withdraw based on Mr. Cassady's appearance in the case and that motion was granted. [Doc. 9; Doc. 12].

In December 2012, the Defendant was tried on the charges contained in the superseding bill of indictment. The jury returned its verdict on December 6, 2012, acquitting the Defendant of Count One but unable to

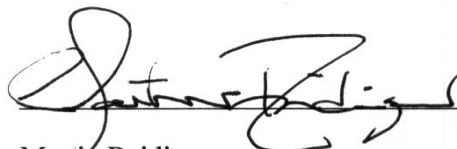
return verdicts as to the remaining counts. [Doc. 71]. The Defendant's re-trial is scheduled for January 28, 2013.

Mr. Cassady now reports that the Defendant's family is unable to retain him to represent the Defendant at a second trial. He has as a result moved for leave to withdraw.

The Court respectfully refers this matter to Magistrate Judge Dennis L. Howell for a new determination of the Defendant's eligibility for court-appointed counsel. In the event that the Defendant is so eligible, the Court would request that Rich Cassady, who is a member of the Criminal Justice Act Panel, be appointed to represent the Defendant due to his familiarity with the case. Appointing Mr. Cassady will insure judicial economy as well as competent legal representation for the Defendant.

IT IS, THEREFORE, ORDERED that this matter is referred to Magistrate Judge Dennis L. Howell.

Signed: January 9, 2013


Martin Reidinger
United States District Judge

